

TITLE 16. ACUPUNCTURE BOARD

Second Modified Text

Key to Text:

<u>single underline</u>	- indicates proposed language as heard on 2/23/07
strikeout	- indicates deleted text as heard on 2/23/07
<u>double underline</u>	- indicates the addition of new language as modified and made available to the public on 3/23/07 – 4/9/07 (first modified text)
<u>underline with strikeout</u>	- indicates the deletion of text which had been originally noticed as new text and made available to the public on 3/23/07 – 4/9/07 (first modified text)
<u>double underline in bold</u>	- indicates additional text made <u>after</u> the first modified text (3/23/07 – 4/9/07)
<u>underline with strikeout in bold</u>	- indicates deleted text made <u>after</u> the first modified text (3/23/07 – 4/9/07)

1. Amend Section 1399.483 to read:

1399.483. Approval of Continuing Education Courses.

- (a) Only ~~an approved~~ provider may obtain approval to offer continuing education courses.
- (b) The content of all courses of continuing education submitted for board approval shall be relevant to the practice of acupuncture and Asian medicine and shall fall within the following two (2) categories: be relevant to the practice of acupuncture and shall

(1) Category 1 courses are those courses ~~Be~~ related to clinical matters or the actual provision of health care to patients the knowledge and/or technical skills required to practice acupuncture, or. Examples of Category 1 courses include, but are not limited to, the following:

- A. Acupuncture and ~~Oriental~~ Asian Medicine
- B. Western Medicine biomedicine ~~as it relates to acupuncture practice~~ and biological sciences.
- C. ~~Scope of Practice~~ Scientific or clinical content with a direct bearing on the quality of patient care, community or public health, or preventive medicine.
- D. Courses concerning law and ethics and health facility standards.
- E. Courses designed to develop a licensee's patient education skills, including, but not limited to, patient education in therapeutic exercise techniques, nutritional counseling, and ~~ergonomics~~ biomechanical education.

F. Courses designed to enhance a licensee's ability to communicate effectively with other medical practitioners.

G. Courses in acupuncture's role in individual and public health, such as emergencies and disasters.

H. Courses in the behavioral sciences, patient counseling, and patient management and motivation when such courses are specifically oriented to the improvement of patient health.

I. Research and evidence-based medicine as related to acupuncture and Asian medicine.

~~(2) Be related to direct and/or indirect patient care. Courses in acupuncture practice management or medical ethics shall also be acceptable.~~

(2) Category 2 courses are those courses unrelated to clinical matters or the actual provision of health care to patients. Examples of Category 2 courses include, but are not limited to, the following:

~~A. Acupuncture research and evidence based medicine as related to acupuncture and oriental medicine~~

A. Practice management courses unrelated to clinical matters and direct patient care, including, but not limited to administrative record keeping, laws and regulations unrelated to clinical medicine, insurance billing and coding, and general business organization and management.

~~B. Practice management and ethics, to achieve improved health of the patient or for the patient's benefit, includes but is not limited to risk management, record keeping, acupuncture laws and regulations, insurance billing codes, report writing and workers' compensation~~ *Breathing and other exercises, i.e. qi gong and taiji quan that are for the benefit of the licensee and not the patient.*

~~C Breathing and other exercises, i.e., qi gong and taiji quan.~~

(c) ~~Each course provider~~ shall include, for each course offered, a method by which the course participants evaluate the following:

- (1) The extent to which the course met its stated objectives.
- (2) The adequacy of the instructor's knowledge of the course subject.
- (3) The utilization of appropriate teaching methods.
- (4) The applicability or usefulness of the course information.
- (5) Other relevant comments.

(d) Courses designed to be completed by an individual on an independent or home study basis shall not exceed 50% of the required continuing education hours.

(1) Courses that require practical or hands on techniques may not be approved for independent or home study.

(2) Courses approved for independent or home study shall include a self-assessment by the licensee upon completion of the course.

(e) A provider is prohibited from selling, advertising or promoting or discussing any named brand product or service during a course ~~in the same room or obligate path as the educational activity.~~ A provider shall ensure that any discussion of name product or service is objectively selected and presented with favorable and unfavorable information and balanced discussion of prevailing information on the product, competing products, alternative treatments or services. A provider shall ensure meaningful disclosure to the audience, at the time of the program, of any relationship between any named product(s) or services discussed and the provider or between any such products or service and any individuals instructor, presenter, panelist, or moderator. However, a provider may offer for sale products or services after the course has been completed as long as it is made clear to all participants that they are under no obligation whatsoever to stay for the sales presentation or purchase any products. Nothing in this subdivision shall be interpreted as ~~prohibiting~~ restricting a provider from discussing generic named products during a course.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Section 4945 Business and Professions Code.

2. Amend Section 1399.484

1399.484. Application for Course Approval.

(a) Providers may not offer a course for continuing education credit hours without prior approval from the board. ~~In order to~~ To obtain approval for a course, an approved provider shall submit to the board, at least 45 days before the course is first offered, a request for course approval, in English, on a form provided by the board the Request for Continuing Education (CE) Course Approval Form (Rev. 12/06), or in a similar format ~~which~~ that contains the following information:

- (1) The provider's name, provider number, address, telephone number and contact person.
- (2) Course title, date(s), location(s), and number of continuing education hours.
- (3) Type and method of instruction and educational objectives to be met.
- (4) Whether the course falls within either Category 1 or Category 2 as defined in section 1399.483(b).
- ~~(4)~~(5) A course outline, course description, and instructor information and qualifications.

~~(5)(6)~~ All proposed ~~public~~ advertisements ~~which that~~ are intended to be used by the provider to advertise the course. Where the provider uses an ~~public~~ advertisement ~~which that~~ is developed after the course has been approved and ~~which~~ was not provided to the board with the course request, the provider shall mail a copy of that advertisement to the board within ten (10) days after its publication.

(7) A statement disclosing any relationship, financial or otherwise, between the provider, individual speakers or moderators and any named brand products or services discussed in the program.

~~(b) Approved providers shall obtain board approval for every course that is offered for continuing education credit. Where~~ When a previously approved course is to be repeated, the provider shall ~~apply to~~ notify the board in writing of the new date and location at least 30 days before the new course date ~~for approval of each subsequent administration of the course.~~

~~(c) All requests for course approval shall be submitted to the board at least 45 days before the course is first offered.~~

(c) Providers shall notify the board of any changes to the date or location of an approved course. A change to the date of an approved course may not be prior to the date for which the course was originally approved.

(d) Providers shall notify the board within 48 hours of a course date if the approved course is postponed. The provider shall notify the board in writing of the new date and location of the postponed course ~~at least 30 days before the new course date.~~ If a postponed course is not taught within three (3) months of the original course date, the provider must reapply for approval.

(e) Any changes in the content of or instructor(s) for an approved course shall require the submittal of a new course application at least 45 days before the course begins.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Section 4945 Business and Professions Code.

3. Amend Section 1399.487 to read:

1399.487. Denial, Withdrawal and Appeal of Approval.

(a) The board may deny a provider application or withdraw its approval of a provider ~~or deny a provider application~~ for causes ~~which that~~ include, but are not limited to, the following:

(1) the provider or applicant has been convicted ~~Conviction~~ of a crime substantially related to the activities of a provider or licensee;

(2) the provider or applicant has failed ~~Failure~~ to comply with any provision of Chapter 12, Division 2 of the Business and Professions Code ~~and~~ or Division 13.7 of Title 16 of the California Code of Regulations;

(3) the provider or applicant has had a license revoked, suspended, placed on probation, voluntarily surrendered or otherwise disciplined by the board;

(4) the board may suspend review and approval of an application if an administrative action is pending against an applicant's license.

(b) Any material misrepresentation of fact by a provider or applicant in any information required to be submitted to the board is grounds for withdrawal or denial of an application.

(c) The board may withdraw its approval of a provider or a course after giving the provider written notice setting forth its reasons for withdrawal and after giving the provider a reasonable opportunity to be heard by the board or its designee.

(d) Should the board deny approval of a provider or a course request, the applicant may appeal the action by ~~file~~ submitting to the board, a letter stating the reason(s) for the appeal ~~with the board~~. The letter of appeal shall be filed with the board within ten (10) days of the mailing of the applicant's notification of the board's denial. The appeal shall be considered by the board or its designee. In the event that the board or its designee ~~considers~~ grants the appeal after the date of the course for which the appeal is being made, ~~a retroactive approval may be granted~~ the board will accept ~~for~~ continuing education hours from its licensees who completed the course.

NOTE: Authority cited: Section 4933, Business and Professions Code. Reference: Section 4945 Business and Professions Code.